

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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SEP 18 2012
TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 6:12-cr-00161

VERSUS

JUDGE FOOTE

DOROTHY COLE, individually
and doing business as REST ASSURE
HOME MEDICAL EQUIPMENT

MAGISTRATE JUDGE HANNA

**REPORT AND RECOMMENDATION
ON FELONY GUILTY PLEA
BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, United States Code, Section 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

This cause came before the undersigned United States Magistrate Judge for a change of plea hearing and allocution of the defendant, Dorothy Cole, individually and doing business as Rest Assure Home Medical Equipment, on September 18, 2012. The defendant was present along with her counsel, Carol B. Whitehurst.

After the hearing, and for the reasons orally assigned, it is the finding of the undersigned that the defendant is fully competent, that her plea of guilty is knowing and voluntary, and that her guilty plea to Count One of the bill of information is fully


supported by an oral factual basis for each of the essential elements of the offense. Therefore, the undersigned United States Magistrate Judge recommends that the District Court **ACCEPT** the guilty plea of the defendant, Dorothy Cole, individually and doing business as Rest Assure Home Medical Equipment, in accordance with the terms of the plea agreement filed in the record of these proceedings, and that Dorothy Cole, individually and doing business as Rest Assure Home Medical Equipment, be finally adjudged guilty of the offense charged in Count One of the bill of information.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and F.R.C.P. Rule 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before a final ruling is made.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON

**APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND
LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.**

THUS DONE AND SIGNED at Lafayette, Louisiana, on this 18 day of
September 2012.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE